IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15868 of 2004

Between:

M/s.S.V.S.Oils, D.No.5/440, Sri Rangarajapuram
Nellore, rep., by its Proprietor Sri Obineni Nageswara Rao.

..... PETITIONER

AND

1 Commercial Tax Officer No.I, Nellore.
2 Appellate Deputy Commissioner (CT), Guntur.
3 Deputy Commercial tax Officer No.I, Ongole.
4 Additional Commissioner (CT),(Legal), Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction particularly one in the nature of writ of mandamus granting stay of collection of the disputed tax of Rs.21,13,068/- for the assessment year 1995-96 (APGST) arising in pursuance of the stay rejection order of the fourth respondent dated 23-07-2004 passed in CCT's Ref.No.LV(1)/1026/2004 and Form 7 Notice of Sale of Land published in the Prakasam District Gazette Local No.23 dated 04-08-2004 passed in Rc.No.234/2003/D4 dated 03-08-2004 fixing the date of auction of the distrained property on 09-09-2004 till the pronouncement of the judgement by the Sales Tax Appellate Tribunal in T.A.No.735/2004.

Counsel for the Petitioner:MR.SKRISHNA MURTHY

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki).

On payment of Rs.7,00,000/- (Rupees Seven Lakhs only), within a period of three weeks from today, the sales shall not be conducted. There shall be an unconditional stay for a period of three weeks. However, if the amount is not paid by the petitioner, the respondents shall be at liberty to conduct the sales in terms of the notice.

At this stage learned Government Pleader for Commercial Taxes submits that the writ petition can be disposed of with the same direction.

Accordingly, we dispose of the writ petition. No order as to costs.

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(BILAL NAZKI, J)

7th September, 2004

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(S.ANANDA REDDY,J)

Note:Issue operative portion by wire at party's cost

b/o

vrn

To

1 Commercial Tax Officer No.I, Nellore.
2 Appellate Deputy Commissioner (CT), Guntur.
3 Deputy Commercial tax Officer No.I, Ongole.
4 Additional Commissioner (CT),(Legal), Hyderabad.

5 Two C.Cs to the Government Pleader for Commercial Taxes,

High Court Buildings, A.P., Hyderabad (OUT)

6 Two C.D copies.